

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE  
25 cv 36 SE TSM

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FILED - USDC -NH  
2025 FEB 7 PM 1:55

NH CIRCUIT COURT et al ( EXECUTIVE BRANCH)

**A DEMAND FOR IMMEDIATE HABEAS HEARING: Judicial Review of Unlawful Orders**

January 17th 2025 I filed my Habeas. I still haven't had a Judicial hearing for UNLAWFUL DETAINMENT from the Executive Branch Order since 12/13/12

Previously, I noted in my motion to recuse both Bar members, how the 81st Congress noted all Bar Members are a part of a corrupt Organization and both my Federal Judges decided not to recuse themselves.

Over 2 weeks after I submitted my Habeas, I still do not have a hearing date.

**Here are the facts** to support that the Family Court is not Judicial and has no judicial power to remove my biological offspring from my custody, 12 years and counting.

"A duty to give decisions which are advisory only, and so without force as judicial judgments, may be laid on a legislative court, but not on a constitutional court established under Art. III." Williams v. United States 289 U.S. 553 (1933),  
<https://supreme.justia.com/cases/federal/us/289/553/> ;

State and Federal "Administrative procedures Act is Unconstitutional. This is hopefully the beginning of the end of an alternative system of justice that took root in the New Deal. Constitutionally, the socialists tore everything about the idea of a Constitutional Republic apart in creating the "Administrative procedures Act". It was more than taxing one party to the cheers of another in denial of equal protection. The provisions of the Act embody a comprehensive regulatory scheme, governing such aspects of agency action as investigations,<sup>6</sup> adjudications,<sup>7</sup> rulemaking,<sup>8</sup> licensing,<sup>9</sup> and open meeting and disclosure requirements,<sup>10</sup> as well as providing for judicial review of administrative proceedings.<sup>11</sup> Provision is also made for the representation of parties before administrative agencies.<sup>12</sup> 2 Am. Jur. 2d Administrative Law § 11 Generally Administrative agencies belong to a different branch of government than judicial courts. They are separately created and exercise executive power in administering legislative authority delegated to them by statute.<sup>1</sup> An important goal of any administrative scheme is to guarantee the rationality of

the process through which results are determined.<sup>2</sup> The administrative system substitutes administrative agencies for courts in making many determinations in the establishment and definition of individual rights.<sup>3</sup> See: 2 Am. Jur. 2d Administrative Law § 3 Relation of administrative process to legal process

Administrative law is concerned with the legal problems arising out of the existence of agencies which combine in a single entity legislative, executive, and judicial powers.<sup>1</sup> See: 2 Am. Jur. 2d Administrative Law § 1 Generally; definition of "administrative law".

This destroys the separation-of-powers, it was about creating administrative agencies (1) that illegally delegated them power to create rules with the force of law as if passed by Congress and sanctioned by the people; (2) the creation of administrative courts that defeated the Tripartite government structure usurping all power into the hands of the executive branch, as if this were a dictatorship run by the great hoard of unelected officials.

These separation-of-powers concerns are diminished where parties are not required to but merely have the option of proceeding in an administrative forum. 2 Am. Jur. 2d Administrative Law § 2 Concern with private and public rights.

However, the American people are never informed of this choice that they are not required to but merely have the option of proceeding in an administrative forum rather than a Judicial hearing.

The American people are unaware they can refuse to consent to an administrative forum and waive the benefit while demanding the guaranty of the rights and immunities of a citizen that insures to him or her the privilege of having those rights and immunities judicially declared and protected. See: 16A C.J.S. Constitutional Law § 1207. Fourteenth Amendment Corpus Juris Secundum 2021. This is where consent of the Governed comes from, but due to the fraud of the lawyer's guild/B.A.R. many people are coerced through threats of contempt to consent to an administrative forum.

. These agencies through fraud, then exercise their coercive power over an individual's liberty or property rights telling the American people they're in a court and thus infringe upon areas that courts often are called upon to protect.

Furthermore, Administrative Law Courts cannot determine constitutional issues. Moreover, the general rule is that as a part of the executive branch of government, an administrative tribunal is not a court; it is not a part of the judicial branch of government, for purposes of the separation of powers doctrine. See: 16 Am. Jur. § 257. Limitations as respects judiciary Actions of administrative agencies. Which reads: As a part of the executive branch of government, an administrative tribunal is not a court; it is not a part of the judicial branch of government, for purposes of the separation of powers doctrine. [7] And as a general rule, administrative agencies have no general judicial powers. [8] Thus, an administrative agency does not have the power, with-out statutory authority, to overrule or ignore a judicial precedent. [9] Moreover, the general rule is that an administrative agency may not determine

constitutional issues, and is not authorized to consider or question the constitutionality of a legislative act or to declare unconstitutional statutes which it was created to administer and enforce.

Additionally, upon creation of such administrative tribunals, the people would be denied the guarantee of the rights and immunities of a citizen that insures to him or her the Right/privilege of having those rights and immunities judicially declared and protected. See: 16A C.J.S. Constitutional Law § 1207. Fourteenth Amendment Corpus Juris Secundum 2021 Right/privilege meaning: a moral or legal entitlement to have or obtain something or to act in a certain way.

Administrative agencies are not courts. They are not part of the judicial system, nor are they judicial bodies or tribunals. Administrative agencies have no general judicial powers.<sup>3</sup> 2 Am. Jur. 2d Administrative Law § 24 Agencies as judicial bodies or courts.

Particular officers and members of administrative agencies or bodies which exercise determinative powers have been declared to be executive,<sup>1</sup> administrative, or ministerial officers.<sup>2</sup> For most purposes, there is no distinction between these classifications. The terms are used interchangeably<sup>3</sup> in stating the general rule that such officers are not judicial officers<sup>4</sup> or judges.<sup>5</sup> 2 Am. Jur. 2d Administrative Law § 33 Status.

The provisions of the Act claim to embody a comprehensive regulatory scheme, governing such aspects of agency action, as judicial review of administrative proceedings.

However, any such claim of Judicial Review becomes meaningless and a fraud. Because every judge who hears an administrative case even in review would cease to sit as a judicial officer and the Judge becomes an Administrative hearing officer, which are prohibited from substituting their evidence, testimony, record, arguments, rationale, and judgments for that of the agency." American Iron and Steel v. United States, 568 F.2d 284.

Furthermore, since a judge ceases to sit as a judicial officer because the governing principals of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments and rationale for that of the agency. Additionally, courts are prohibited from their substituting their judgments for that of the agency." American Iron and Steel v. United States, 568 F.2d 284.

Now see Jacobsen v. State 179 Ind. App. 37 (Ind. Ct. App. 1979) Cited 7 times. Stated: Our ordinary notions of due process dictate that before someone is punished through the operation of our legal system he is entitled to a trial, and a trial conducted by someone other than his accuser. While an exception has always been recognized concerning the commission of direct criminal contempt's. As the Supreme Court stated in 1921 in Anderson v. Dunn, 6 Wheat. 204, 226, 19 U.S. 204, 5 L.Ed

Yet even another exception seems to have crept in, under the Administrative Procedures Act, and the notions of due process that dictates before someone is punished through the

operation of our legal system he is entitled to a trial, and a trial conducted by someone other than his accuser, no longer apply. Because, the governing principals of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments and rationale for that of the agency, as the ALJ/Judge becomes an Admirative hearing officer of the agency.

This eliminates, and denies, these notions of due process, and means an administrative agency becomes the trier of fact in its own complaint. In other words, your deemed guilty by the decision of administrative agency to file its complaint, as the ALJ has become an officer of the complaining Agency and cannot substitute their judgments for that of the agency. This further eliminates these notions of due process as it makes one being innocent until proven guilty null and void.

In addition, the right to a jury trial in suits at common law preserved by the Seventh Amendment to the United States Constitution is generally inapplicable in administrative proceedings.6. 2 Am. Jur. 2d Administrative Law § 3 Relation of administrative process to legal process.

The Administrative Law Courts, will be called what they really are, reminiscent of the notorious extra judicial proceedings of the Star Chamber operated by King James I. The court of Chancery was set up outside of the King's Bench, so there were no trials by jury. See: 2 Am. Jur. 2d Administrative Law § 3 Relation of administrative process to legal process.

When one is summoned to such an administrative tribunal with paperwork declaring one must appear in Court by an ALJ who isn't a judicial officer, and the administrative tribunal is not a Court. Wouldn't this show the State and Federal Government, has engaged in fraudulent inducement, by making people believe: they were in a Court, in front of a judge, instead of an administrative tribunal that fraudulently concealed, it is not a Court and the "administrative law judge" that fraudulently concealed, their just an individual who isn't a judge?

Doesn't this deprive the people of our rights and immunities being judicially declared and protected, and our day in court under fraudulent inducement, fraudulent concealment, and constructive fraud?

Wouldn't this also mean the creation of such administrative tribunals is an unconstitutional fraud and "unconscionable" act in its creation?

This is where our First, Fourth, Fifth, & Seventh Amendment rights came into being. That came about following the trial of John Lilburne (1615-1657) for handing out a pamphlet the government did not like.

The Miranda v Arizona 384 U.S. 436 (1966) decision of the Supreme Court came only after decades of abuse by American police against citizens, not unlike what we are watching today. The Miranda decision is hated by police, prosecutors, judges, politicians.

The decision is based upon the history of the right not to be coerced that began with the famous trial of John Lilburn before the English court of the Star Chamber in 1637 where he stood tall and objected to the King's torture.

Lilburn's crime was handing out pamphlets against the king. John Lilburne (1615–1657) was a leader in the Leveller Movement of the 1640s and was a prolific pamphleteer who defended religious and individual liberty of the people. He was imprisoned many times for his views and was active in the army of the New Parliament rising to the rank of Lieutenant Colonel. In October 1649, he was arrested and tried for High Treason for printing and circulating books and pamphlets critical of the government but was acquitted of all charges by a jury of his peers.

1. that I must submit to the agency's administrative rules, codes or statutes according to the following case law *"All codes, rules, and regulations are for government authorities only, not human/creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process...."* Rodriques v. Ray Donovan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).

2. that the following is untrue: *"All laws, rules and practices which are repugnant to the Constitution are null and void."* Marbury v. Madison, 5th US (2 Cranch) 137, 180.

3. that the U.S. Constitution is not the supreme law of the land, that the judge in the Juvenile court is not bound by it and that the laws, statutes, codes, rules, or constitution of any state are never contrary to the U.S. Constitution according to the following law : U.S. Constitution, Article VI: *This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

4. that an administrative court can take away my constitutional rights or what is mine using statutes, codes, or rules according to the following case law: *"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."* Norton v. Shelby County , 118 U.S. 425 p. 442

5. that an "administrative court operating under color of law, in a not-of-record proceeding in equity" and not at law; can take away my rights, privileges, or immunities that are secured or protected by the U.S. Constitution according to the following law: TITLE 18, U.S.C., SECTION 242 *Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory,, ordinance, regulation, or custom, willfully subjects any person in any State, Territory,*

*Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned*

*Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory,*

*Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping<sup>8</sup> or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.*

6. that the judge in an administrative court can act judicially and in a discretionary capacity according to the case: *Thompson v. Smith*, 154 S.E. 579, 583; & *Keller v. P.E.*, 261 US 428; *F.R.C. v. G.E.*, 281, U.S. 464

*"When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts administering or enforcing statutes do not act judicially, but merely ministerially.....but merrily act as an extension as an agent for the involved agency – but only in a "ministerial" and not a discretionary capacity..."*

7. that the judge in an administrative Juvenile court, acting ministerial and having NO judicial capacity, has the power to terminate a parents custody and rights.

8. that statutes or administrative rules trump my Federal rights according to the following case law: *"The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."* *Davis v. Wechler*, 263 U.S. 22, 24; *Stromberb v. California*, 283 U.S. 359; *NAACP v. Alabama*, 375 U.S.449

9. that the agency or the Juvenile court can assume my rights can be taken away from me according to the following case law; *The State cannot diminish rights of the people. Hurtado v. California*, 110 U.S. 516.

10. that I can be stripped of my Constitutional rights through trickery, coercion, duress, without full disclosure OR that I can be ordered to do something against my Constitutional rights according to the following case law: "*Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness.*" *Poindexter v. Greenhow*, 114 U.S. 270, 303 (1885). *Brady v. U.S.*, 397 U.S. 742, 748, (1970)

11. that the people are not the GRANTORS of the Trust powers you hold as TRUSTEES AND PUBLIC SERVANTS and as such you are not to protect my rights according to TN Constitution 1796

#### ARTICLE I. - BILL OF RIGHTS.- SECTION I.

"That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper."

12. that the state has the U.S. Constitutional right to deem what is in the child's best interest using their statutes according to the following case law: The Supreme Court Ruled That The State Statute Was Unconstitutional

The U.S. Supreme Court ruled on the issue of grandparent visitation rights in the 2000 case of 530 U.S. 57, which involved a dispute between a Washington-state mother and her ex-boyfriend's parents. When Brad Troxel, the children's father, died in 1993, his parents informed the mother, Tommie Granville, that they wanted to maintain a relationship with the couple's two daughters. Washington law at the time allowed "any person" to petition for visitation "at any time" and gave state courts discretion to grant that visitation when it was in the child's best interests.

But the majority of the Troxel court struck down the state statute as unconstitutional, finding it interfered with parents' rights to raise their children as they pleased. Writing for the majority, Justice Sandra Day O'Connor said, "*The liberty interest at issue in this case – the interest of parents in the care, custody, and control of their children – is perhaps the oldest of the fundamental liberty interests recognized by this Court.*" *Troxel v. Granville*, 530 U.S. 57 (2000)

13. that the State has the power when working in private business to overrule mothers and fathers and let people or corporations take kids from parents according to:

The *Adoption and Safe Families Act* (A.S.F.A.) : SEC. 401. PRESERVATION OF REASONABLE PARENTING.

"Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting."

14. that the agency, or judge can take charge of my child without my permission according to the Social Security Act 1935 [Original Legislative Intent of the Congress not for CPS to take kids]

## TITLE XI- GENERAL PROVISIONS

### DEFINITIONS SECTION 1101

*(6)(d) Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.*

15. that the *Child Abuse Prevention and Treatment Act* (C.A.P.T.A.) is not governed by a higher law and is not an insurance program.

*SEC. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission, to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.*

16. that *Child Abuse Prevention and Treatment Act* (C.A.P.T.A.) was not to be voluntary according to §5106. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations

#### *b) Discretionary grants*

*The grantee shall assure that parental involvement described in this subparagraph is voluntary.*

17. that I do not have the right of self determination, or that the state is not to protect my fundamental rights of family according to the International Covenant on Civil and Political Rights

See 2024 US Supreme Court Case(b) wherein the Chevron Doctrine was recently overruled, and see youtube video(a): "Why Overturning Chevron Was A Fantastic Supreme Court Ruling: Steve Forbes": Chevron was an abuse of power, and a problem for the separation of powers, which undermined Congress and the US Constitution, and allowed administrative agencies the

power to interpret law instead of the courts. At 2:20min Steve Forbes says: "The list of abuses is enormous, and getting worse."

(a)=Why Overturning Chevron Was A Fantastic Supreme Court Ruling: Steve Forbes:

<https://www.youtube.com/watch?v=DjnHlr1KjI>

(b)=<https://www.whitecase.com/insight-alert/us-supreme-court-strikes-down-chevron-doctrine-what-you-need-know#:~:text=On%20June%2028%2C%202024%2C%20the,interpretations%20of%20ambiguous%20federal%20laws>. Also see:

[https://www.law.cornell.edu/wex/chevron\\_deference](https://www.law.cornell.edu/wex/chevron_deference)

See also SEC v. Jarkesy, 603 U.S. \_ (2024): "In 2013, the Securities and Exchange Commission initiated an enforcement action against respondents George Jarkesy, Jr., and Patriot28, LLC, seeking civil penalties for alleged securities fraud. The SEC chose to adjudicate the matter in-house before one of its administrative law judges, rather than in federal court where respondents could have proceeded before a jury."

<https://supreme.justia.com/cases/federal/us/603/22-859/>

See also Social Security Act 1935 (d): "(d) Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child." <https://www.ssa.gov/history/35act.html>

## New Hampshire Statutes

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## **TITLE XXX**

# **OCCUPATIONS AND PROFESSIONS**

## **CHAPTER 328-C**

### **FAMILY MEDIATORS**

#### **Section 328-C:4**

##### **328-C:4 Board. –**

- I. There shall be a board of family mediator certification consisting of the following members:
- (a) One judge who regularly sits in the circuit court family division, appointed by the administrative judge of the circuit court.

## **TITLE XXX**

# **OCCUPATIONS AND PROFESSIONS**

## **CHAPTER 328-C**

### **FAMILY MEDIATORS**

#### **Section 328-C:2**

##### **328-C:2 Definitions. –**

In this chapter:

- I. "Board" means the board of family mediator certification established by RSA 328-C:4.
- II. "Certified family mediator" means a person certified under the provisions of this chapter to act as a family mediator.
- III. "Certified family mediator training program" means a program that has been certified under this chapter to provide the instructional training required for certified family mediators.
- IV. "Contracted supervisor" means a supervisor who has contracted with the court to participate in court-referred mediation.
- V. "Family mediation" means a process by which an impartial third person or persons, with the consent of the parties, assists and enables the parties to a divorce or parental rights and responsibilities case to work together to reach a mutually satisfactory settlement of the issues involved in such case.
- VI. "Family mediator" means an impartial third person who, with the consent of the parties to a divorce or parental rights and responsibilities case, assists and enables the parties to work together to reach a mutually satisfactory settlement of the issues in a dispute.
- VII. "Qualified intern" means a person authorized under the provisions of this chapter to participate in mediation under the direct supervision of a certified family mediator.
- VIII. "Supervisor" means a person who has been a certified family mediator for at least two years, has mediated at least thirty-six divorce cases, and commits to comply with RSA 328-C:5, VI.

**Source.** 1989, 268:1. 1992, 207:2. 2005, 250:2. 2009, 21:4, 5, eff. Jan. 1, 2010. 2022, 220:1, eff. Aug. 16, 2022.

## **TITLE XXX**

# **OCCUPATIONS AND PROFESSIONS**

## **CHAPTER 328-C**

### **FAMILY MEDIATORS**

#### **Section 328-C:1**

**328-C:1 Purpose.** – The purpose of this chapter is to protect and assist the public by providing standards for the practice of family mediation, training and continuing education for certified family mediators and certified family mediator training programs, and disciplinary procedures for violating ethical rules and requirements.

**Source.** 1989, 268:1. 2005, 250:1. 2009, 21:4, 5, eff. Jan. 1, 2010.

# **TITLE XXX**

## **OCCUPATIONS AND PROFESSIONS**

### **CHAPTER 328-C**

#### **FAMILY MEDIATORS**

##### **Section 328-C:5-b**

**328-C:5-b Immunity From Civil Action.** – No civil action shall be maintained against the board or any member of the board or its agents or employees, against any organization or its members, or against any other person for, or by reason of any statement, report, communication, or testimony to the board or any determination, action, statement, report, communication, disclosure or testimony by the board in relation to any proceeding or communication under this chapter.

Source. 2005, 250:9, eff. Sept. 12, 2005.

# **TITLE XXX**

## **OCCUPATIONS AND PROFESSIONS**

### **CHAPTER 328-C**

#### **FAMILY MEDIATORS**

##### **Section 328-C:7**

**328-C:7 Disciplinary Action.** –

I. [Repealed.]

II. [Repealed.]

III. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure or renew a certificate under this chapter.

(b) Conviction of any crime which demonstrates unfitness to practice mediation.

- (c) Violation of the ethical standards or standards of practice adopted under RSA 328-C:4-a.
  - (d) Any unprofessional conduct or dishonorable conduct, unworthy of and affecting the practice of mediation.
  - (e) Unfitness or incompetency by reason of negligent habits or other causes.
  - (f) Demonstrable gross incompetence.
  - (g) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the person unfit to practice mediation.
  - (h) A legal finding of incompetence.
  - (i) Willful or repeated violation of the provisions of this chapter.
  - (j) As to a training program, failure to comply with the training program content, trainer, and materials requirements under this chapter or rules established under it.
  - (k) As to a training program, failure to comply with reporting requirements under this chapter or rules established under it.
  - (l) Suspension or revocation without subsequent reinstatement of a certificate, license, or registration, similar to one issued under this chapter, in another jurisdiction.
- IV. [Repealed.]
- V. [Repealed.]
- VI. [Repealed.]

**Source.** 1989, 268:1. 2005, 250:11. 2009, 21:4, eff. Jan. 1, 2010. 2022, 220:5, 6, eff. Aug. 16, 2022. 2023, 212:42, II, eff. Oct. 3, 2023.

## **TITLE XXX**

# **OCCUPATIONS AND PROFESSIONS**

## **CHAPTER 328-C**

### **FAMILY MEDIATORS**

#### **Section 328-C:10**

**328-C:10 Limitations.** – Nothing in this chapter shall be construed to prevent the court from retaining jurisdiction to make emergency orders as appropriate, nor to stop family mediation if one party or the family mediator has indicated to the court that no agreement can be reached through family mediation.

**Source.** 1989, 268:1. 2009, 21:4, 5, eff. Jan. 1, 2010.

However, the Supreme Court has also made it clear that these actions have to be credible or true threats. This was first defined in Watts v. United States: Watts had been convicted for threatening to shoot President Lyndon B. Johnson if he ever instituted a military draft. Watts appealed, and the Supreme Court ruled in his favor, citing that he was merely engaging in political protest and had neither the intent nor the ability to shoot the President. Thus, his statement was regarded as an empty threat that did not fall outside of the scope of the First Amendment. Therefore, for a threat to be considered to fall outside of First Amendment protection, it must first be violent in nature and — critically — it must be credible. If the speaker has no ability or legitimate intent to carry out or incite another to carry out violent acts, then the speech cannot be considered a true threat and is therefore protected under the First Amendment. The Counterman v. Colorado decision further clarifies what is and is not considered a true threat in online speech by requiring the speaker to have an understanding of what their speech entails.

What is considered a credible threat?

A credible threat refers to a threat with the ability and capability to happen or be carried out possibly. Technically, it has the intent of harm and makes the target person afraid for their safety. Also, the threat aims to cause a significant injury to the targeted person or their life.

NJ, NC, and Tennessee Supreme Court rulings, regarding how the court can't lessen the burden of proof: Re: "New Jersey Division of Child Protection and Permanency v. J.R.-R. and G.R.-R." (November 9, 2020 — Decided September 27, 2021). New Jersey Supreme Court case they clearly explain how these "Family Courts" cannot lawfully shift the "burden of proof" to a parent to prove they did not commit the "offense" such as "abuse" in order to justify infringing the rights of that parent over their child.

<https://freeornottobe.wordpress.com/2022/03/13/sources-of-authority-by-topic-subject-of-law/comment-page-1/#comments> ; <https://casetext.com/case/nj-div-of-child-prot-permanency-v-jr-r-in-re-gr-r> ; <https://scarincilawyer.com/burden-of-proof-in-child-abuse-and-neglect-cases/> ; [https://www.njcourts.gov/system/files/court-opinions/2021/a\\_56\\_57\\_19.pdf](https://www.njcourts.gov/system/files/court-opinions/2021/a_56_57_19.pdf) ;

Westmoreland County Children & Youth Servs., 103 F.3d 1123, 1125 (3d. Cir. 1997). Furthermore, If a man/woman relies in good faith on the advice of Counsel and or on the Decisions of the UNITED STATES SUPREME COURT that man/woman has a PERFECT DEFENSE to the element of WILLFULNESS and since the burden of proof of said WILLFULNESS is on the Prosecution to prove beyond a REASONABLE DOUBT, said task or burden being totally impossible to specifically preform there is NO CAUSE OF ACTION FOR WHICH RELIEF MAY BE GRANTED BY A COURT OF LAW.

Please see U.S. vs. Bishop 412 U.S. 346. Here I also provide, A reminder, of Washington v. Glucksberg, 521 U.S. 702 (1997), that held that the Constitution, and specifically the DUE PROCESS CLAUSE of the Fourteenth Amendment, PROTECTS THE FUNDAMENTAL RIGHT OF PARENTS TO DIRECT THE CARE, UPBRINGING, AND EDUCATION OF THEIR CHILDREN. If a BASIC RIGHT and a Law of ANY state is to the contrary of such exercise of that BASIC RIGHT, the said supposed Law of ANY state is a FICTION OF LAW and 100% TOTALLY UNCONSTITUTIONAL and NO COURTS ARE BOUND TO UPHOLD IT AND NO man/woman is REQUIRED TO OBEY SUCH UNCONSTITUTIONAL LAW OR REQUIREMENT. Please see MARBURY vs. MADISON, 5 U.S. 137 (1803), which has never been overturned in over 194 years, see Shephard's Citations.

In light of this extensive precedent, it cannot now be doubted that the DUE PROCESS CLAUSE of

the Fourteenth Amendment PROTECTS THE FUNDAMENTAL RIGHT OF PARENTS to make decisions concerning the care, custody, and control of their children. - Troxel v. Granville, 530 U.S. 57, at 65-6 (2000), Nor can a man or woman be charged with an offense for the exercise of a CONSTITUTIONAL RIGHT, in this case the RIGHT TO FAMILIAL ASSOCIATION. see Miranda vs Arizona a constitutional right cannot be converted into a crime.

I demand for my son T.C. to be flown from Raleigh, NC to Manchester, NH on a government learjet to lessen the possibility of troubles that could arise from their departure, to include any illegal immigrants stopping the flow of traffic or engaging in criminal behavior hindering any possibility of safe travels. The State of NH Family Court Michael Garner allowed them to relocate without cause more than 700 miles away. The State of NH will and shall provide safe travels for the child they kidnapped illegally from my custody. This will be done without fail.



UCC 1 308  
Under Duress  
Randall S. Collier  
26 Joslin Rd  
Surry, NH  
03431  
603 803 2648

26 Joslin Rd  
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NH District Court  
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Concord, NH  
03301



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